

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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DOC #:
DATE FILED: 10/1/2020-----X
JOHANNA GUAYPATIN,
:Plaintiff,
:-v-
:OLSHAN REALTY, LLC,
:Defendant.
:
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20-cv-2771 (LJL)

ORDER


LEWIS J. LIMAN, United States District Judge:

The parties in this matter have reached a settlement in principle. Dkt. No. 22. Because this case involves claims under the Fair Labor Standards Act ("FLSA"), a stipulated dismissal settling a claim with prejudice requires the approval of the district court. *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). The Court evaluates the fairness of the settlement by applying the factors set forth in *Fisher v. SD Protection, Inc.*, 948 F.3d 593, 600 (2d Cir. 2020); *Cheeks*, 796 F.3d at 206-07; and *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012):

(1) The plaintiff's range of possible recovery; (2) the extent to which the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses; (3) the seriousness of the litigation risks faced by the parties; (4) whether the agreement is the product of arm's length bargaining between experienced counsel; and (5) the possibility of fraud or collusion.

The Court also separately evaluates the reasonableness of the request for attorney's fees and costs. *Fisher v. SD Protection, Inc.*, 948 F.3d at 600. A proper fee request includes "contemporaneous billing records documenting, for each attorney, the date, the hours expended, and the nature of the work done." *Arango v. Scotts Company, LLC*, 2019 WL 117466 (S.D.N.Y. Jan. 7, 2019) (quoting *Lopez v. Nights of Cabiria, LLC*, 96 F. Supp. 3d 170, 181 (S.D.N.Y. 2015)). Plaintiff is directed to submit the proposed settlement and the papers in support of it by November 2.

SO ORDERED.

Dated: October 1, 2020
New York, New York

LEWIS J. LIMAN

United States District Judge